

REMARKS

Claim 76 recites that the method of reducing the cost of transmitting data has at least two steps:

1. The first step is to determine "the location of a mobile terminal" relative to a remote host.
2. The second step is to determine the cost of transmitting the data "based on the location of the terminal" over each of a plurality of channels.

Neither of these steps is disclosed in, or suggested by, U.S. Patent No. 6,088,127 to Pieterse, and hence, the anticipation rejection should be withdrawn.

As the Examiner will note upon reconsidering Pieterse, this reference discloses a transmitting fax machine 21 (or computer 22) operative for transmitting data to a receiving fax machine 26 (or computer 27) over a "store and forward" device 20 (or 30). A human user checks a box 8(1), 8(2), 8(j) on a fax cover sheet 1 (see Fig. 3), and the user thereby decides whether the transmission priority is low, normal, or high (col. 8, lines 34-40). The store and forward device 20 forwards the message based on the transmission priority decided by the user (col. 2, lines 20-25).

Cost of data transmission is *not* a factor determined by Pieterse. Indeed, as specifically stated at col. 2, lines 36-37, of Pieterse: "... no attention being paid to the cost of occupying such a communication link".

To repeat, applicant specifically claims that the "location" of a "mobile terminal relative to a remote host" is determined. Neither the transmitting fax machine 21 nor the computer 22 of Pieterse is mobile relative to the receiving fax machine 26 or the computer 27 and, assuming that the transmitting fax machine/computer are movable, not one word is mentioned anywhere in Pieterse that its location is, or can be, determined.

Next, applicant specifically claims that the cost of transmitting data from the "location" of the terminal over each channel to the host is determined. Pieterse does not determine cost based on the location of its transmitting fax machine/computer.

Next, applicant claims that the channel selected for data transmission is based on the "location and the least cost". Pieterse merely teaches that the user selects the transmission priority based on his or her personal desire and that cost is *not* a factor in making this selection.

Allowance of claims 76-79 is respectfully requested.

In the Advisory Action mailed November 16, 2004, the Examiner did not specifically address or comment on any of the above arguments. Applicant respectfully requests that the Examiner indicate where in Pieterse the above two claimed steps are disclosed.

Since the mailing date of the final action was June 1, 2004, and since applicant's reply was filed on July 1, 2004 (i.e., within two months of the final action), and since the advisory action was not mailed until November 16, 2004, the shortened statutory period for response expires on the date that the advisory action was mailed, i.e., November 16, 2004. Any extension fee is calculated from November 16, 2004. Hence, petition is hereby made for a one-month's extension to December 16, 2004 in which to accept the accompanying Request for Continued Examination (RCE) application. The fee of \$110.00 is enclosed.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.

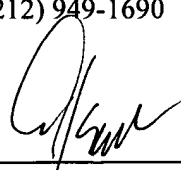
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